

Remarks

In response to the non-final Office Action mailed July 14, 2005, the Applicants respectfully request reconsideration and that the case pass to issue in light of the remarks below. By this paper, no claims have been added, amended, or canceled such that claims 1-20 are pending.

The Examiner has set forth the following rejections: (1) claims 1-3 and 11-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by USPA 2004/0034460 to Folkerts (hereinafter the Folkerts application); and (2) claims 4-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Folkerts application in view of USPN 6,555,928 to Mizuno (hereinafter the Mizuno patent).

In response to the foregoing rejections, the Applicants point out that the principle reference in each rejection is the Folkerts application. Filed herewith is an affidavit under 37 C.F.R. § 131 to swear behind the Folkerts application. The affidavit points out that the presently claimed invention was reduced to practice before the filing date of the Folkerts application. As such, the Folkerts application cannot be used as a basis of rejecting the pending claims. Accordingly, claims 1-18 are patentable over the cited references.

In view of the foregoing, the Applicants respectfully submit that each rejection has been fully replied to and traversed and that the case is in condition to pass to issue. The Examiner is respectfully requested to pass this case to issue and is invited to contact the undersigned if it would further prosecution of this case to issue.


S/N: 10/064, 894
Reply to Office Action of July 14, 2005

Atty Dkt No. FMC 1649 PUS / 200-1576

A check in the amount of \$120.00 is enclosed to cover the fees associated with the one month extension of time.

Respectfully submitted,
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By



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